

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

IAN FOLEY,  Plaintiff,  v.  FLEXISPOT, INC.  Defendant.	Civil Action No. 1:24-cv-00122-JLS
---	------------------------------------

**NOTICE OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO RULE 41(a)(1)**

1. Whereas Plaintiff Ian Foley filed the above-referenced case against Defendant Flexispot, Inc. on February 5, 2024.
2. Whereas Defendant has not yet filed an answer in this action, and thus dismissal is appropriate without Court order, pursuant to F.R.C.P. Rule 41(a)(1)(A)(i).
3. Accordingly, pursuant to F.R.C.P. Rule 41(a)(1)(A)(i), Plaintiff hereby dismisses his Complaint without prejudice.

Dated: March 13, 2024

Respectfully Submitted,

/s/ Benjamin Sweet

Benjamin J. Sweet

[ben@nshmlaw.com](mailto:ben@nshmlaw.com)

**NYE, STIRLING, HALE, MILLER &  
SWEET, LLP**

1145 Bower Hill Road, Suite 104  
Pittsburgh, PA 15243

*Attorneys for Plaintiff Ian Foley*

**CERTIFICATE OF SERVICE**

I, Benjamin J. Sweet, hereby certify that the foregoing document was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to non-registered participants this 13<sup>th</sup> day of March 2024.

/s/ Benjamin J. Sweet  
Benjamin J. Sweet